

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY: Arkansas State Board of Athletic Training, #0208

DIVISION \_\_\_\_\_

DIVISION DIRECTOR: Nancy Worthen

CONTACT PERSON: Nancy Worthen

ADDRESS: 9 Shackleford Plaza Suite 3 Little Rock, Arkansas

PHONE NO: 683-4076 FAX NO. 228-0294 E-MAIL: aratb@sbcglobal.net

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis**  
**Subcommittee on Administrative Rules and Regulations**  
**Arkansas Legislative Council**  
**Bureau of Legislative Research**  
**Room 315, State Capitol**  
**Little Rock, AR 72201**

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- 1. What is the short title of this rule?  
**Arkansas State Board of Athletic Trainers Rules and Regulations**
- 2. What is the subject of the proposed rule?  
**Athletic Training Rules and Regulations Clarifications**
- 3. Is this rule required to comply with federal statute or regulations? Yes No X  
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
**No** \_\_\_\_\_  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No X

5. Is this a new rule? Yes No - X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No \_ yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

**17-93-406, paragraph 5**

7. What is the purpose of this proposed rule? Why is it necessary?

**The present rules concerning these two regulations are vague and need to be more specific for public protection and clarification for athletic director and coaches in our schools in Arkansas.**

- 1. Defines specific treatments that the Athletic Trainer is prohibited from doing, by law, especially return to play decisions, modality and rehabilitation treatments.**
- 2. Supervision of the student or intern Athletic Trainer must be on site and in sight of the of the licensed Athletic Trainer.**

8. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_

If yes, please complete the following:

Date: **August 17, 2004** \_\_\_\_\_

Time: **9:00 A.M.** \_\_\_\_\_

Place: **9 Shackleford Plaza, Suite 3, LR, AR** \_\_\_\_\_

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) \_  
**August 15, 2004** \_\_\_\_\_

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

**September 1, 2004** \_\_\_\_\_

11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No X If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. None

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT:** The Arkansas State Board of Athletic Training

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT:** Nancy Worthen, Interim Executive Director

**TELEPHONE NO:** 501-683-4076 **FAX NO.** 228-0294 **EMAIL:** aratb@sbcglobal.net

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Athletic Training clarification of what Athletic Trainers can not do.  
Clarification of what level of supervision the student or intern Athletic Trainer must have.

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1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes \_\_\_\_ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

### **Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

### **Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

### **Current Fiscal Year**

\$ \_\_\_\_\_

### **Next Fiscal Year**

\$ \_\_\_\_\_

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5. What is the total estimated cost by fiscal year to the agency to implement this rule?

### **Current Fiscal Year**

\$ \$450.00: 3 notices of hearing

### **Next Fiscal Year**

# **ARKANSAS STATE BOARD OF ATHLETIC TRAINING RULES AND REGULATIONS**

## **MARK-UP**

### **1. The Arkansas State Board of Athletic Training**

A. Shall consist of five (5) members to be appointed by the Governor for terms of three (3) years.

1. Four members shall be athletic trainers licensed and practicing the art of athletic training in the state of Arkansas.
2. One (1) member shall not be actively engaged in or retired from the practice of athletic training, medicine, physical therapy, or employment by an athletic department of an accredited educational institution, and shall serve as the representative of the public interest. This member shall be a full voting member.
3. A member shall hold their appointment until their successor has been appointed and qualified, except when removed by the Governor.
4. At the discretion of the Board, an advisory committee may be impaneled and dissolved. This committee may consist of no more than five (5) individuals with diverse fields of interest and expertise.
5. The Board will act upon issues related to the licensure and practice of athletic trainers.

B. Officers shall:

1. Consist of a chairperson and a secretary, each of whom shall have the privilege of reelection.
2. Officers shall be elected by majority vote of the board members. Officers shall be elected annually in January unless otherwise determined by the Board.

C. Duties of Officers

1. The chairperson shall:
  - a. Call and preside at all meetings. In the absence of the chairperson he/she shall designate a member to preside.
  - b. Be a custodian of all records or designate a custodian of all records.
  - c. Delegate duties to Board members.
  - d. Vote on all issues.
2. The secretary shall:

- a. Ensure that accurate minutes of each meeting are kept and distributed to each Board member.

D. Information regarding the activities of the Board may be obtained by the public from the office of the Arkansas State Board of Athletic Training. Any request or submission to the Board shall be made to the Executive Director of the Arkansas State Board of Athletic Training

E. Meetings:

1. At least two (2) regular meetings shall be held annually. The meetings will be conducted in accordance with Robert's Rules of Order, Revised.
2. Special meetings may be called at the discretion of the chairperson, or by three (3) members of the Board, provided that all members are adequately notified.
3. All meetings shall be conducted pursuant to the Arkansas Freedom of Information Act and disciplinary proceedings shall be conducted in accordance with the Arkansas Administrative Procedures Act.
4. Three (3) members of the Board shall constitute a quorum.
5. In the case of a tie vote on any issue brought before the Board, the tie vote issue will be re-voted once and unresolved issues will be tabled until the next Board meeting.
6. Members shall receive travel expenses and a stipend for official business of the Board at the rate established by the State of Arkansas.

## **II. Methods of Licensure**

A. Examination/Certification

1. Applicants who comply with qualifications in accordance with the Arkansas Athletic Trainers Act shall be permitted to sit for an examination approved by the Board. Applicants must meet either of the following requirements to sit for the examination:
  - a. The applicant must possess a baccalaureate degree from an accredited institution and meet other curriculum and internship requirements as required by the certifying testing agency as approved by the Board or
  - b. The applicant must be certified, and certified through the grandfathering process by the National Athletic Trainers Association on December 31, 1969.
2. The examination for athletic trainers will be a reliable, valid, and legally defensible examination approved by the Board.
3. The applicant must complete the application process required by the Board.

B. Reciprocity

1. A licensed athletic trainer who has been issued a license to practice as an athletic trainer in another state may be registered and issued a license in this state by the Board provided that the state or territory in which currently licensed/registered must be at least equal to Arkansas' requirements.
2. The applicant may be required to be interviewed by the Board if his/her credentials, requirements on licensure in the other state of current professional capabilities are in question.
3. An applicant to whom the Board refused reciprocity may request a hearing before the Board.
4. The applicant must complete the application process required by the Board.
5. Licensure by reciprocity may only be granted if the state in which the applicant is currently licensed allows athletic trainers licensed in this state to be eligible for reciprocity.

### **III. Application for Licensure**

- A. An individual who plans to practice as an athletic trainer must secure a license prior to practicing in the state. Athletic trainers who accompany his or her team, athlete, or representative to the State of Arkansas beyond limited competition must submit an application for licensure in the state of Arkansas.
- B. Credentials required for application for licensure are to be submitted to the Board and will include the following:
  1. Official application from the Arkansas State Board of Athletic Training filled out by the applicant and notarized.
  2. Verification of achievement of a passing score on a Board approved qualifying examination mailed to the Board from the testing agency.
  3. Current athletic training certification status and proof of fulfillment of continuing education requirements from a designated body approved by the Board and mailed to the Board from the certification agency.
  4. Any athletic trainer partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.
  5. Applicants seeking initial licensure in the state of Arkansas may submit an application prior to sitting for the Board approved qualifying exam.
- C. Applicants who are currently licensed / registered in another state or territory and are requesting the same in Arkansas by reciprocity shall submit:
  1. Official application from the Arkansas State Board of Athletic Training filled out by the applicant and notarized.

2. Verification of achievement of a passing score on a Board approved qualifying examination mailed to the Board from the testing agency.
3. Proof of current athletic training certification from a designated body approved by the Board and mailed to the Board from the certification agency.
4. Verification of licensure/registration from agencies where currently licensed or registered.
5. Any athletic trainer partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.

D. All applicants shall pay the required fees.

#### **IV. Temporary Permit**

- A. A temporary nonrenewable permit for one year may be sought by a candidate who has met all of the requirements to sit for a certification examination by the certifying agency approved by the Board or
- B. A temporary nonrenewable permit for one year may be sought by a candidate who has met all of the requirements to sit for a licensure examination by the certifying agency approved by the Board. The only candidates eligible to take the licensure exam are those that are certified, and certified through the grandfathering process by the National Athletic Trainers association on December 31, 1969.
- C. An application for a temporary permit can be obtained from the Board and should be submitted to the Board. The application should include:
  1. Official application from the Arkansas State Board of Athletic Training for a temporary permit filled out by the applicant and notarized.
  2. Proof of eligibility to sit for the certification or licensure exam from the certifying agency approved by the Board and mailed to the Board from the certifying agency.
  3. Any candidate applying for a temporary permit who will be partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.

D. All applicants shall pay all required fees.

#### **V. Renewals, Payments and Recording**

- A. Applications for renewal shall include:
  1. Renewal form and
  2. Certification Status Form and
  3. Physician Direction Form
- B. Licenses must be renewed annually at a fee established by the Board.

1. Unrenewed licenses become inactive as of a date established by the Board. To return to regular status, a reactivation fee must be paid.
  2. Licenses reactivated 90 days after the renewal date will be assessed a late fee in addition to the renewal fee and the reactivation fee.
  3. Individuals interested in being placed on inactive status must submit a written request to the board. An Athletic Trainer on inactive status may not engage in the provision of athletic training services.
- C. The temporary nonrenewable athletic trainers permit will expire one year after the date of application. The temporary permit fee will be paid quarterly. Any non-payment of quarterly fees will revoke the non-renewable temporary permit. The temporary permit fee will be established by the Board.

## **VI. Fees**

Athletic trainers shall be required to pay fees not to exceed the following:

Application Fee-	\$75.00
Initial Licensure Fee-	\$300.00
Annual Renewal Fee-	\$150.00
Reciprocity Reporting Fee-	\$75.00
Temporary Permit-	\$900.00 quarterly
Duplicate License-	\$75.00
Reactivation Fee-	\$300.00
Late Fee-	\$300.00

## **VII. Disciplinary Action/Penalties**

- A. The Board may refuse to license, refuse to renew a license, revoke a license or temporary permit and/or take other disciplinary action as provided by law regarding any athletic trainer who is guilty of any of the acts set forth in Section 12 of the Arkansas Athletic Trainers Act. A revoked license must be returned to the Board office immediately upon notification of the revocation. The Board is required to report the revocation to the board approved certifying agency.
- B. Each facility offering athletic training services shall be required to publicly display the name and address of the Arkansas State Board of Athletic Training.
- C. Any person may file a complaint in writing to the Board against any licensed athletic trainer in this state, charging said person with having violated the provisions of any part of the Arkansas Athletic Trainers Act. The Board may act upon its own motion or upon the complaint of any individual in writing and signed by the complaining party. The person named in the complaint will be notified and a response from that individual will be requested.

## **VIII. Supervision of the Athletic Trainer**

- A. In a non-clinical traditional setting, the athletic trainer shall practice the art and science of athletic training under the direction of a physician licensed in the state of Arkansas.
- B. In a clinical setting, the athletic trainer may practice athletic training in a hospital or outpatient clinic



under the direct supervision of a physical therapist.

**C. Athletic training interns or students performing acts of athletic training incidental to their courses of study must be under the supervision of a licensed athletic trainer. Supervision means daily personal/verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises and evaluates the students' athletic training field experience. The licensed athletic trainer shall be physically present to intervene on behalf of the athlete.**

**D. Athletic Training does not include activities such as prophylactic taping, stretching, first aid, and referral of injured/ill athletes to appropriate medical personnel or facility. These services are considered "sports first aid". Athletic training does include return to play decisions, modality, and rehabilitation treatments.**

## **IX. Continuing Education Requirements**

Continuing education requirements will be mandated by, collected by, and verified by the certifying agency approved by the Board.

### **Definitions**

The following words and terms, when used in these rules and regulations, have the following meanings:

1. **Supervising/Directing Physician:** A person holding current unrestricted license to engage in the practice of medicine or osteopathy. Other physicians who act on a referral basis with athletic trainers will hold a current unrestricted license to engage in the practice of chiropractic, dentistry, optometry, and podiatry in the state of Arkansas.
2. **Sanctioned Recreational Sports Activities:** Any athletic or team activity which requires physical strength, agility, flexibility, range of motion, speed or stamina and meets one or more of the following:
  - a. Has officially designated coaches who have the responsibility for athletic activities of the organization;
  - b. Has a regular schedule of practices or workouts that are supervised by the officially designated coaches;
  - c. Is an activity generally recognized as having an established schedule of competitive events or exhibitions;
  - d. Has a policy requiring documentation of having passed a pre-participation medical examination conducted by a licensed physician as a condition for participation for the athletic activities of the organization;
3. **Certification Examination:** Reliable, legally defensible examination approved by the board for determining minimum competency in athletic training.

4. **Licensure Examination:** An examination administered for those athletic trainers who are certified and certified through the grandfathering process by the National Athletic Trainers Association on December 31, 1969.
5. **Limited Competition:** Shall allow visiting athletic trainers appropriately credentialed in their own state to perform athletic training in the state of Arkansas in a traditional setting for a time period not to exceed 14 days. However, while in the state of Arkansas, all athletic trainers must abide by Arkansas laws, rules, and regulations. Any person providing athletic training duties beyond the 14 days shall be subject to licensure requirements. Any person seeking exemption from this requirement must submit such request in writing to the Arkansas State Board of Athletic Training.
6. **Supervision of the athletic trainer in a clinical setting:** The supervising physical therapist must be readily available for consultation for the care of the athlete but not necessarily on the premises.
7. **Supervision of the athletic trainer in a non-clinical traditional setting:** The supervising physician must be readily available for consultation for the care of the athlete but not necessarily on the premises. The supervising/directing physician must submit an annual Physician Direction Form to the Arkansas State Board of Athletic Training with the athletic trainer's licensure/permit request to the State of Arkansas.